

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

GRG VENTURES, LLC,
d/b/a Game Room Guys,

Plaintiff,

Case No.: 1:18-cv-755

v.

DBEC, LLC,

Defendant.

**DEFENDANT’S REQUEST FOR PRE-MOTION CONFERENCE RE MOTION TO
DISMISS**

For its request for pre-motion conference, Defendant, DBEC, LLC, by and through its attorneys Revision Legal, PLLC, states as follows:

Pursuant to Fed. R. Civ. P. 12(b)(6), a plaintiff must allege facts that, if proven, would establish that the plaintiff is entitled to the relief sought. Plaintiff has failed to state a claim upon which relief can be granted because Plaintiff has failed to allege that Defendant DBEC, LLC has used “Game Room Guys” or any colorable imitation thereof as an indicator of the origin or source of Defendant’s goods or services. Defendant has never made a trademark use of “Game Room Guys” so as to meet the prerequisites of a trademark infringement or unfair competition cause of action. Under no interpretation of the facts could Plaintiff prevail on its claims and, therefore, Plaintiff’s claims must be dismissed. Consequently, Defendant requests a pre-motion conference on Defendant’s Motion to Dismiss.

Respectfully submitted,

Date: November 27, 2018

DBEC, LLC

/s/ John Di Giacomo

John Di Giacomo

Eric Misterovich

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2018, I caused a true and accurate copy of the foregoing document to be filed with the Clerk of the Court via the CM/ECF system, which sent electronic notice of the same to the registered counsel of record.

/s/ John Di Giacomo
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